

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

SEPTEMBER 8, 2016

Council Members:

Dr. Mark Vargus, Mayor
Ed Reed – Mayor Pro-Tem
Clint Bushong
Gary Newsome
Ray Duff
Dan Tantalo

Town Staff:

Linda Asbell, TRMC, Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Regular Session of the Town Council to order at 7:00 p.m. on Thursday, September 8, 2016, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG:

(Agenda Item A)

Mayor Vargus led the Pledge of Allegiance

PRESENTATION:

(Agenda Item B)

Mayor Vargus presented a proclamation designating September 17 – 23, 2016 as Constitution week. The presentation was received by a representative of the Prestonwood Chapter of the Daughters of the American Revolution

PUBLIC HEARING:

(Agenda Item C)

A public hearing was held to provide an opportunity for citizens to comment on the proposed combined property tax rate of \$0.30/\$100. Mayor Vargus opened the public hearing at 7:02 p.m.

Citizens thanked council for keeping the taxes low. Mayor Vargus explained the difference between the effective, actual, and roll-back tax rates. Both Mayor Vargus and Councilman Duff stressed the importance of citizens being diligent about identifying their billing addresses to show Lakewood Village so the sales taxes collected are directed to the Town of Lakewood Village rather than the Town of Little Elm.

MOTION: Upon a motion made by Councilman Newsome and seconded by Councilman Bushong, council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:10pm. *The motion carried.*

PUBLIC HEARING: **(Agenda Item D)**

A public hearing was held to provide an opportunity for citizens to comment on the proposed nuisance ordinance restricting the placement of bulk trash for pick-up earlier than 10 days prior to the date of bulk trash collection. Mayor Vargus opened the public hearing at 7:03.

Mayor Vargus stated that the council has adopted an unofficial policy to discuss a proposed ordinance at one council meeting, and hold a public hearing at a second council meeting prior to adopting the ordinance. Mayor Vargus reviewed the proposed restrictions on placement of bulk trash.

Mr. Bill Schoknecht asked about a provision that would allow some exception for special conditions. Council indicated that special conditions like storm damage would be enforced on a case-by-case basis.

MOTION: Upon a motion made by Mayor Pro-Tem Reed and seconded by Councilman Duff, council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:16pm. *The motion carried.*

PUBLIC HEARING: **(Agenda Item E)**

A public hearing was held to provide an opportunity for citizens to comment on the proposed water and wastewater impact fees. Mayor Vargus opened the public hearing at 7:03.

Mayor Vargus reviewed the Capital Improvement Action Committees progress in reviewing the components that go into determining the impact fees.

Councilman Newsome explained what impact fees are. Councilman Bushong reported the difference between impact fees and tap fees.

No one asked to speak.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Tantalo, council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:23pm. *The motion carried.*

VISITOR/CITIZENS FORUM: **(Agenda Item F)**

Joni Lehan, 750 Carrie Lane, asked for an update on the status of development by LandPlan. Mayor Vargus reported that LandPlan has not indicated that they are ready to start.

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Michael Neal, 530 Highridge, asked about the status of the sewer line repair on Highridge Lane. Mayor Vargus reported that the sewer line in that area has collapsed and the town is coordinating equipment and setting up to make the repair.

CONSENT AGENDA:

(Agenda Item G)

1. Minutes of August 11, 2016 Council Meeting (Asbell)
2. Extension of Contract with Patterson Professional Services through September 30, 2019 (Asbell)

MOTION: Upon a motion made by Councilman Newsome and seconded by Councilman Ray Duff, council voted five (5) “ayes”, no (0) “nays” to approve consent items as presented. *The motion carried.*

REGULAR AGENDA:

(Agenda Item H)

**Consideration of Minutes of the July 14, 2016
Council Meeting (Asbell)**

(Agenda Item H.1)

Mayor Vargus reported that the Town Secretary was not in attendance at the July 14, 2016 meeting. Council members took their own minutes, which resulted in the Town Secretary trying to piece the minutes together from the notes of several people. Councilman Bushong stated that the minutes the Town Secretary provides is over and above the minimum legal requirements. Councilman Bushong stated he recommends the minutes for the July 14, 2016 be “action only” minutes. Mayor Vargus reported that the Town Secretary currently composes minutes with abbreviated notes on the discussions to provide context for historical purposes. Most municipalities are working with minutes that are limited to only the actual actions taken by the council. There was some discussion about the possibility of recording meetings. Councilman Tantalo asked council if they would have approved the minutes as they were presented. There was some discussion about the circumstances of the minutes of the meeting being unusual due to the Town Secretary being absent.

MOTION: Upon a motion made by Councilman Duff and seconded by Mayor Pro-Tem Reed, council voted four (4) “ayes”, one (1) “nays” (Councilman Tantalo) to approve the minutes showing only council actions. *The motion carried.*

**Consideration of Variance Request for Lot 4,
Block F, Section 1 (412 Hillside Drive) for
Garage Location (Asbell)**

(Agenda Item H.2)

Mayor Vargus reviewed the variance requested. Mayor Vargus reported on the requirements of side entry and garage door setback requirements. Mr. Baalman, property owner, stated that the drainage issues and the size of the lot makes it a challenge to accommodate a side entry garage. There was some discussion about the town desiring side entry garages and the opposition of neighbors to a front entry garage.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Newsome, council voted five (5) “ayes”, no (0) “nays” to approve the variance request and allow the side entry garage to be no less than twenty-five feet from the property line and to disallow the request for a front entry garage. *The motion carried.*

**Consideration of Ordinance Adopting the
2016 Property Tax Rate of \$0.30/\$100
(Asbell)**

(Agenda Item H.3)

There was some discussion about the difference between the effective tax rate and the actual tax rate. There was some discussion about any additional funds being spent on paying down the bond debt and other town expenses like playground improvements.

MOTION: Upon a motion made by Councilman Newsome and seconded by Councilman Duff, council voted four (4) “ayes”, one (1) “nays” (Councilman Tantalo) to approve the combined tax rate of \$0.30/\$100. *The motion carried.*

**Consideration of Ratification of Ordinance
16-08 Adopting the Fiscal Year 2016-2017
Budget (Asbell)**

(Agenda Item H.4)

Mayor Vargus explained the adoption process for tax rate and the budget. Mayor Vargus reviewed the components of the revenue raised by the ad valorem tax rate.

MOTION: Upon a motion made by Councilman Bushong and seconded by Mayor Pro-Tem Reed, council voted five (5) “ayes”, no (0) “nays” to ratify Ordinance 10-08 adopting the Fiscal Year 2016-2017 budget. *The motion carried.*

**Consideration of Authorizing Expenditures
for Road Repairs (Vargus)**

(Agenda Item H.5)

Mayor Vargus reported that the town council has been working on compiling information needed to reconstruct Melody and Carrie Lanes. Councilman Newsome reviewed the proposals received and reported that Walt's Paving has provided the best option. Walt's Paving will remove damaged areas of the road, grind the road, install road base, compact, and then pave with asphalt providing a much better finished road. Action Paving's bid was to clean out damaged areas and fill with asphalt which would provide only a short-term repair. Mayor Vargus reported that the town has approximately \$36,000 available in the Road Maintenance Fund, which would allow the project to begin right away. There was some discussion about reconstructing Carrie Lane and Melody Lane only and return to address Highridge Lane at a later date. There was some discussion about the timing of ultimately reconstructing Melody Lane and Carrie Lane as concrete roads. There was some discussion about the longevity of the reconstruction. Council discussed having Walt's Paving mark the road to make clear the areas to be reconstructed.

MOTION: Upon a motion made by Mayor Pro-Tem Reed and seconded by Councilman Newsome, council voted five (5) "ayes", no (0) "nays" to authorize Mayor Vargus to engage Walt's Paving to reconstruct Melody and Carrie Lane's for an amount not to exceed \$25,000. *The motion carried.*

**Consideration of Nuisance Ordinance
Related to Bulk Trash (Vargus)**

(Agenda Item H.6)

Mayor Vargus reviewed the proposed changes. There was some discussion about unusual circumstances like storm damage to trees. It was noted that a correction to the footer is required as well as the insertion of a reference to Exhibit A in the body of the ordinance.

MOTION: Upon a motion made by Councilman Bushong and seconded by Mayor Pro-Tem Reed, council voted five (5) "ayes", no (0) "nays" to approve the nuisance ordinance as discussed. *The motion carried.*

**Consideration of Expenditure for Park
Improvements (Vargus)**

(Agenda Item H.7)

Mayor Vargus reviewed a proposal to install a decorative fence around the playground area at Town Hall to provide an obstacle to slow children from freely running into the road. There was also some discussion on installing screening around the air conditioner at Town Hall. The total cost would be approximately \$2,000. There was some discussion about getting bids on other styles and types of fencing.

Mayor Vargus reviewed a quote received for three 100-gallon Red Oak trees, which would be installed in the Town Hall Park. There was some discussion about the need to have a site plan for the park and playground area before deciding on planting locations.

**Discussion of Policy for Town Attorney
Opinions (Vargus)**

(Agenda Item H.8)

Mayor Vargus reported that after discussions with the Town Attorney this is an issue that needs some clarification. There was discussion about the Town Attorney's client being the town and not individual council member or other officers of the town. Mayor Vargus reported that there is no attorney/client privilege between the town attorney and individual councilmembers. Councilman Tantalo stated he believe it is proper that any opinions the town attorney gives should be copied to the Town Secretary and each council member. Mayor Vargus reported that the Town Attorney needs direction from the town council on the policy council wants him to follow. There was some discussion about recent requests for attorney opinions and a length of time between when a requestor receives the opinion and when the town council receives a copy. There was some discussion on what distribution the council wants to adopt as a policy on attorney opinions received in the future. Town Secretary, Linda Asbell, reported that all documents/emails/etc. between the town and the town attorney are covered under attorney/client privilege and cannot be publically disclosed without specific permission.

**Discussion of Policy for Accounting and
Finance (Tantalo)**

(Agenda Item H.9)

Councilman Tantalo stated that he is very happy that steps have been taken to disclose our finances. Councilman Tantalo stated that he has been approached by citizens who have asked about terms like "financial engineering" which have been used. Councilman Tantalo reported that he would like to see more disclosure and clarity surrounding the use of those terms.

EXECUTIVE SESSION:

(Agenda Item I)

Councilman Tantalo asked about the inclusion of 551.071 when the Town Attorney is not present. Mayor Vargus reported that often an exclusion is listed in the event that council needs to talk about an issue with the attorney but it does not necessarily indicate that every item listed will be discussed.

At 9:04 p.m. Mayor Vargus recessed into executive session in compliance with (1) § 551.071 Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.072 Texas

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Government Code to wit: deliberations about real property; and (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations

RECONVENE:

(Agenda Item J)

Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 9:21 pm. No action was taken.

COUNCIL AND STAFF COMMENTS

(Agenda Item K)

Mayor Vargus reported that the town will be closing on the 665 Woodcrest property on September 9, 2016.

Mayor Vargus reported that the impact fee public hearing will be on September 22nd. There will be discussion on the Well Feasibility Study at that council meeting.

Councilman Newsome reported that he understands that Councilman Tantalo has a concern about councilmen discussing town business together. Councilman Newsome stated that legally there is not a problem with two councilmembers talking together. Councilman Newsome reported that he would like to see a future agenda item about providing a “mentor councilmember” to assist new councilmembers.

Mayor Vargus reported that the Town Attorney has recommended the town remove all references to the extra territorial jurisdiction from all building ordinances.

Councilman Tantalo stated that he appreciates the council meeting only lasting two hours and reported that he has been talking with Town Secretary, Linda Asbell, about a process for making all ordinances available online.

ADJOURNMENT

(Agenda Item L)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 9:27 p.m. on Thursday, September 8, 2016. The motion carried.

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These minutes approved by the Lakewood Village Town Council on the 13th day of October 2016.

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY